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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,028	09/28/2001	Maurice Granger	1759.053	4669

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/966,028

Applicant(s)
Granger

Examiner
Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Sep 28, 2001 is: ☒ approved ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other:

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on April 2, 1999. It is noted, however, that applicant has not filed a certified copy✓ of the French application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement filed September 28, 2001 (paper no. 3) has been received and the references listed thereon have been considered.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed with the original papers on September 28, 2001 have been **approved**.

Abstract

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as

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"means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because of the use of "said" in lines 1[✓] and 3[✓] and the use of "means" in line 2. Also, in line 4[✓], it is not clear as to what "twin-wheel configuration" means or refers. Appropriate correction is required. See MPEP § 608.01(b). ←

Specification

6. The disclosure is objected to because of the following informalities:

On page 4, line 5, "means of" should be deleted for clarity; in line 7, "transmission means" is unclear and it seems that "means" should be deleted for clarity. ← ✎

On page 7, line 21[✓], "(4a)" is inaccurate and should be changed to --(4b)--; in line 22[✓], --(4a)-- should be inserted after "slit" for clarity; in line 23[✓], "(4b)" should be deleted for clarity since "4b" has been previously designated as indicating the groove in general; in line 26[✓], --(9a)-- should be inserted after "shape", and --(9)-- should be inserted after "shaft" for clarity; in line 30[✓], "means of" should be changed to --a-- for clarity.

On page 8, lines 2-3, the recitation "the number of means of transmission" is unclear. ← ✎

Appropriate correction is required.

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Claim Rejections - 35 USC § 112, 1st paragraph

7. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As best understood from the claims, the specification and drawings do not appear to provide sufficient support for the invention as claimed. Specifically, the specification and drawings do not provide support for a control and safety device (disclosed on page 6, line 1 as a shaft) that comprises a drum and a transmission means as appears to be claimed.

Claim Rejections - 35 USC § 112, 2nd paragraph

8. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 1, in general the claim is vague and indefinite as to what is being set forth as the claimed invention, particularly since the claim as defined in line 1 is directed to a "control and safety device" which is defined, according to page 6, lines 1-2 of the specification, as "consisting of a shaft (9)", but the claim appears to positively set forth other features that are not part of the shaft; in line 2, "comprising" is vague as to what it refers (e.g., the control and safety device or

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the machine); in line 2, ✓“a safety shaft” is vague and indefinite since it is not clear as to whether it refers to the control and safety device (which is disclosed as a shaft) or another such safety shaft; in line 3, ✓“the lower opening” lacks antecedent basis; in line 4, ✓“by means of” is vague and indefinite as to what is being set forth (e.g., it is not clear whether it is intended to invoke 35 USC 112, 6th paragraph); in lines 5-6, ✓“said transmission means” lacks antecedent basis; in line 6, ✓“float mounted” is vague and indefinite as to what is being set forth; also in line 6, ✓“drum” and “shaft” are each vague and indefinite as to whether they are referring to those features previously set forth or to an additional drum and shaft, and it seems that --the-- should be inserted before each term; in lines 6-7, ✓the recitation “the central part of the shaft that accommodates said belt and faces the groove on the drum” lacks positive antecedent basis; in lines 8-9, the recitation “a ↵ ↵ dimension that exceeds the width of the groove (4b) on drum (4)” is vague and indefinite since it appears to be positively defining the invention in terms of the drum which is not part of the claimed invention as best understood; also in line 9, ✓“drum” is vague as to whether it refers to that previously set forth or to another such drum.

In claim 2, line 2, ✓“the middle part” lacks antecedent basis; also in line 2, ✓“shaft” is vague as to whether it refers to that previously set forth or to another such shaft; in line 3, ✓“drum” is vague as to whether it refers to that previously set forth or to another such drum; in lines 3-4, ✓“a dolly axle (9a) configuration” is vague as to whether it refers to that previously set forth or to another such configuration; in line 5, ✓“the cross section of shaft” is vague and indefinite as to what is being set forth, particularly since the dolly axle configuration is part of the shaft and thus

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defines a cross section of the shaft; also in line 5, "shaft" is vague as to whether it refers to that previously set forth or to another such shaft.

In claim 3, lines 3-4, the recitation "substantially exceeds the length of the groove on the drum" renders the claim vague and indefinite since it appears to be positively defining the claimed invention in terms of the drum which is not part of the claimed invention as best understood.

In claim 4, lines 1-2, "the dolly-axle shape" lacks antecedent basis; in line 2, "laterally locked" is vague and indefinite as to what is being set forth; also in line 2, "the walls" lacks antecedent basis; also in line 2, "shaft" is vague as to whether it refers to that previously set forth or to another such shaft.

In claim 5, line 1, "the dolly-axle shape" lacks antecedent basis; in line 2, "laterally locked" is vague and indefinite as to what is being set forth; also in line 2, "the walls" lacks antecedent basis; also in line 2, "shaft" is vague as to whether it refers to that previously set forth or to another such shaft.

In claim 6, line 1, "the dolly-axle shape" lacks antecedent basis; in line 2, "laterally locked" is vague and indefinite as to what is being set forth; also in line 2, "the walls" lacks antecedent basis; also in line 2, "shaft" is vague as to whether it refers to that previously set forth or to another such shaft.

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Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 and 7, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Fleischauer, pn 3,961,700.

Fleischauer discloses a control and safety device (e.g., 48a shown in Figure 3A) with every structural limitation as best understood from the claims.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 4-6, as understood, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fleischauer, pn 3,961,700.

Fleischauer discloses a control and safety device (e.g., 48a shown in Figure 3A) with every structural limitation as best understood from the claims including a dolly-axle shape forming a shoulder and limit stop.

In the alternative, if it is argued that Fleishchauer does not disclose a shoulder and limit stop, the Examiner takes Official notice that such features, as best understood from the claims, are old and well known in the art for various known benefits including providing an effective interface between a drive belt and a shaft for maintaining the belt in position on the shaft.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf

March 19, 2002

**Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01**

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.